

## **IN THE CLAIMS**

### **Please amend the claims as follows:**

Claim 1 (Currently Amended): A mobile communication system which transmits a data signal from a base station to a mobile station, wherein

the base station comprises a signal transmitter configured to transmit, to the mobile station, both the data signal to the mobile station within a predetermined period, and transmit at least one retransmission signal of the same data signal, in a different form different from a form of the same data signal, from the base station to the mobile station within the a predetermined period set for transmission of at least one series of the data signal and the at least one retransmission signal;

the mobile station comprises:

a receiving processor configured to ~~receive the data signal and the at least one retransmission signal without the base station being requested to send the retransmission signal, and~~ carry out a receiving processing method on the data signal or the at least one retransmission signal within the predetermined period;

a communication quality detector configured to detect a communication quality of the data signal or the at least one retransmission signal; and

a reception processing method decider configured to decide ~~whether or not to receive or decode~~ a reception processing method for the data signal or the at least one retransmission signal in the predetermined period, based on the detected communication quality.

Claim 2 (Currently Amended): A mobile communication method for transmitting a data signal from a base station to a mobile station, the method comprising:

~~transmitting, from the base station to the mobile station, both the data signal from the base station to the mobile station within a predetermined period, and transmitting at least one retransmission signal of the same data signal, in a different form different from a form of the same data signal, from the base station to the mobile station within the a predetermined period set for transmission of at least one series of the data signal and the at least one retransmission signal;~~

~~receiving the data signal and the at least one retransmission signal at the mobile station without the base station being requested to send the retransmission signal;~~

~~carrying out a receiving processing method on the data signal or the at least one retransmission signal within the predetermined period in the mobile station;~~

~~detecting a communication quality of the data signal or the at least one retransmission signal in the mobile station; and~~

~~deciding whether or not to receive or decode a reception processing method for the data signal or the at least one retransmission signal in the predetermined period, based on the detected communication quality.~~

Claim 3 (Currently Amended): A mobile station for receiving a data signal from a base station, the mobile station comprises:

a receiving processor configured to ~~receive a data signal and at least one retransmission signal of the data signal, in a form different than a form of the data signal, without the base station being requested to send the at least one retransmission signal, and~~ carry out a receiving processing method on the data signal or the at least one retransmission signal of the same data signal, within a predetermined period set for transmission of at least one series of the data signal and the at least one retransmission signal;

a communication quality detector configured to detect a communication quality of the data signal or the at least one retransmission signal; and

a reception processing method decider configured to decide ~~whether or not to receive or decode~~ a reception processing method for the data signal or the at least one retransmission signal in the predetermined period, based on the detected communication quality.

Claim 4-8 (Canceled).

Claim 9 (Currently Amended): The mobile station according to claim 3, wherein the communication quality detector is configured to detect at least one of ~~a signal error~~, a signal-to-interference ratio (SIR) and a received power as the communication quality.

Claims 10-15 (Canceled).

Claim 16 (New): The mobile communication system of claim 1, wherein the communication quality detector is configured to detect at least one of a signal-to-interference ratio (SIR) and a received power as the communication quality.

Claim 17 (New): The mobile communication system of claim 1, wherein the signal transmitter is configured to transmit the data signal and the at least one retransmission signal as a different encoding series by changing rate matching parameters between the data signal and the at least one retransmission signal within a predetermined period.

Claim 18 (New): The mobile communication system of claim 16, wherein the signal transmitter is configured to transmit the data signal and the at least one retransmission signal as a different encoding series by changing rate matching parameters between the data signal and the at least one retransmission signal within a predetermined period.

Claim 19 (New): The mobile communication method of claim 2, where detecting the communication quality further comprises detecting at least one of a signal-to-interference ratio (SIR) and a received power as the communication quality.

Claim 20 (New): The mobile communication method of claim 2, wherein transmitting the data signal or the at least one retransmission signal further comprises transmitting the data signal and the at least one retransmission signal as a different encoding series by changing rate matching parameters between the data signal and the at least one retransmission signal within a predetermined period.

Claim 21 (New): The mobile communication method of claim 19, wherein transmitting the data signal or the at least one retransmission signal further comprises transmitting the data signal and the at least one retransmission signal as a different encoding series by changing rate matching parameters between the data signal and the at least one retransmission signal within a predetermined period.